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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,364	08/17/2001	Michael P. Cockrill	27001-11030	5095

33042 7590 02/08/2007  
LEYDIG, VOIT & MAYER, LTD.  
(SEATTLE OFFICE)  
TWO PRUDENTIAL PLAZA  
SUITE 4900  
CHICAGO, IL 60601-6731

EXAMINER
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WEIS, SAMUEL

ART UNIT	PAPER NUMBER
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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 09/932,364	Applicant(s) COCKRILL ET AL.	
	Examiner Samuel S. Weis	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 51-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-55 is/are rejected.
- 7) ☒ Claim(s) 54 and 55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/06/2003</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is in response to the Applicant's preliminary amendment filed on August 17, 2001. Claims 1-50 have been canceled. Claims 51-55 have been examined.

#### ***Claim Objections***

2. Claims 54 and 55 are objected to because of the following informalities: "himself" and "herself". The words "himself or herself" in the claims should be changed to "the user." Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 51-55 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.
5. Claims 51 and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "potentially" in claims 51 and 54 is a relative term which renders the claims indefinite. The member identifier is either unique or non-unique and cannot be "potentially" non-unique. The term "potentially" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

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6. Claim 51 recites the limitation "the solicited member identifier" in (a)(2). There is insufficient antecedent basis for this limitation in the claim.

7. Claims 52, 53, and 55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are rejected because they are dependent on an indefinite independent claim for the reasons stated above.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 51-53 are rejected under 35 U.S.C. § 102(e) as being anticipated by Boesch et al., U.S. Pat. No. 6,092,053 (hereinafter, Boesch).

As to claim 51, Boesch discloses a system and method for merchant invoked electronic commerce that stores purchasing information for registered consumers, comprising:

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a) registering the user by (i.e. A known or registered consumer is a consumer who has previously registered with the CIS software and who information matches information supplied by the consumer during a prior registration) (col. 7, lines 47-50):

(1) obtaining for the user a member identifier that is potentially not unique (i.e. the CIS software prompts the consumer for the consumer's identification number) (col. 7, lines 37-38); and

(2) after obtaining the solicited member identifier, storing a unique identifier for the user on the user computer system in conjunction with the obtained member identifier (i.e. The browser identifier is a cookie. A browser identifier identifies the consumer browser on a specific consumer computer) (col. 7, lines 18-20); and

(b) identifying the user by (i.e. A browser identifier identifies the consumer browser on a specific consumer computer) (col. 7, lines 18-20);:

(1) soliciting from the user the member identifier of the user (i.e. the CIS software prompting the consumer for the consumer's identification number) (col. 8, lines 23-25);

(2) receiving the member identifier of the user (i.e. the consumer's response for proof is sent back to the CIS) (col. 8, lines 31-32);

(3) reading from the user computer system the unique identifier stored in conjunction with the member identifier received (i.e. CIS software receives and processes the message to determine if the consumer's browser contains an identifier which identifies a consumer that matches a data entry in a file in the consumer data structure of the CIS) (col. 7, lines 18-22) ; and

(4) identifying the user using the unique identifier (i.e. CIS software accesses and gathers the consumer's information which is stored in the consumer data structure) (col. 8, lines 41-43).

As to claim 52, Boesch discloses the method of claim 51 wherein a plurality of users having the same user computer system are registered by repeating (a)(1)-(a)(2) for each of the plurality of users (i.e. The system has a consumer data structure that stores purchasing information for registered consumers) (Abstract).

As to claim 53, Boesch discloses the method of claim 51 wherein obtaining for the user a member identifier that is potentially not unique comprises: soliciting from the user a member identifier of the user (i.e. The consumer's passphrase is used to authenticate the consumer. This entry is provided by the consumer during the registration process.) (col. 7, lines 38-43); and receiving from the user a member identifier of the user (i.e. The consumer's passphrase is used to authenticate the consumer. This entry is provided by the consumer during the registration process.) (col. 7, lines 38-43).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch in view of Watson, U.S. Pat. No. 5,978,780.

As to claims 54 and 55, Boesch discloses the method of claim 51. Boesch does not explicitly disclose wherein the method is practiced on behalf of a first online service, and obtaining for the user a member identifier that is potentially not unique comprises obtaining for the user a member identifier used by the user to identify himself or herself to a second online service distinct from the first online service.

However, Watson teaches a bill consolidation system that allows a user to include multiple online service accounts into a single account. The bill consolidation system includes a unique identifying number for a user as well as a unique personal service exchange identifying number for each online service account (col. 16 and 17; lines 63-8). It would have been obvious to one of ordinary skill in the art at the time of Applicants' invention to include the aforementioned limitations as taught by Watson within Boesch for the motivation of consolidating multiple online service account into a single account.

### **Conclusion**

The following U.S. patents not cited in this action are considered pertinent prior art:

6,138,142  
5,963,915  
6,006,260  
6,047,268  
6,070,185.

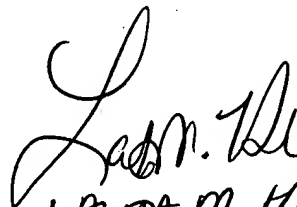
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel S. Weis whose telephone number is (571) 272-2025. The examiner can normally be reached on 8:30 to 5, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samuel S. Weis



LAURA M. HAMILTON  
PRIMARY EXAMINER, 3691